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10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 (2) DEANDRE DONTRELL WILSON,
18 (4) DAVID BRIAN LINDSEY,
19 (5) ASA HOUSTON, and
(6) DURK BANKS,

20 Defendants.

No. CR 24-621(A)-MWF-2, 4, 5, 6

PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, MEDICAL
INFORMATION, PRIVACY ACT
INFORMATION, AND PROTECTED WITNESS
MATERIALS

21
22 The Court has read and considered the government's motion for a
23 Protective Order Regarding Discovery Containing Personal Identifying
24 Information, Medical Information, Privacy Act Information, and
25 Protected Witness Materials, filed by the government in this matter,
26 which this Court incorporates by reference into this order, and FOR
27 GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

28 ///

1 1. The government's discovery in this case relates to
2 defendants' alleged crimes, that is, violations of 18 U.S.C.
3 § 1958(a): Conspiracy and Use of Interstate Facilities to Commit
4 Murder-For-Hire Resulting in Death; and 18 U.S.C. §§
5 924(c)(1)(A)(iii), (c)(1)(B)(ii), (j)(1): Use, Carry, and Discharge
6 of Firearms and Machinegun, and Possession of Such Firearms, in
7 Furtherance of a Crime of Violence, Resulting in Death, as to all
8 defendants; and 18 U.S.C. § 922(o): Possession of a Machinegun, as
9 to defendant KEITH JONES.

10 2. A protective order for the discovery is necessary so that
11 the government can produce to the defense materials regarding
12 protected witnesses who participated in the government's
13 investigation, who may testify at trial, and/or whose safety may be
14 endangered by disclosure of identifying information. Because these
15 materials could be used to identify the protected witnesses, the
16 Court finds that the unauthorized dissemination or distribution of
17 the materials may expose him/her to potential safety risks and the
18 danger of witness intimidation.

19 3. A protective order for the discovery is also necessary so
20 that the government can produce to the defense materials containing
21 third parties' PII and medical information. The Court finds that
22 disclosure of this information without limitation risks the privacy
23 and security of the information's legitimate owners. The medical
24 information at issue may also be subject to various federal laws
25 protecting the privacy of medical records, including provisions of
26 the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
27 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
28 the government has an ongoing obligation to protect third parties'

1 PII and medical information, the government cannot produce to
2 defendants an unredacted set of discovery containing this
3 information without this Court entering the Protective Order.
4 Moreover, PII and medical information makes up a significant part of
5 the discovery in this case and such information itself, in many
6 instances, has evidentiary value. If the government were to attempt
7 to redact all this information in strict compliance with Federal
8 Rule of Criminal Procedure 49.1, the Central District of
9 California's Local Rules regarding redaction, and the Privacy Policy
10 of the United States Judicial Conference, the defense would receive
11 a set of discovery that would be highly confusing and difficult to
12 understand, and it would be challenging for defense counsel to
13 adequately evaluate the case, provide advice to defendant, or
14 prepare for trial.

15 4. An order is also necessary because the government intends
16 to produce to the defense materials that may contain information
17 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
18 Information"). The Court finds that, to the extent that these
19 materials contain Privacy Act information, disclosure is authorized
20 pursuant to 5 U.S.C. § 552a(b)(11).

21 5. The purpose of this Protective Order is therefore to
22 (a) allow the government to comply with its discovery obligations
23 while protecting this sensitive information from unauthorized
24 dissemination, and (b) provide the defense with sufficient
25 information to adequately represent defendants.

26 6. Accordingly, the discovery that the government will
27 provide to defense counsel in the above-captioned case will be
28 subject to this Protective Order, as follows:

1 a. "Protected Witness Materials" includes any
2 information relating to any protected witness's prior history of
3 assistance with law enforcement, prior criminal history, statements,
4 or any other information that could be used to identify a protected
5 witness, such as a name, image, address, date of birth, or unique
6 personal identification number, such as a Social Security number,
7 driver's license number, account number, or telephone number, or
8 discovery containing statements made by defendants to law
9 enforcement that were audio and/or video recorded, summarized in
10 reports or affidavits, and/or contained in transcripts.

11 b. "PII Materials" includes any information that can be
12 used to identify a person, including a name, address, date of birth,
13 Social Security number, driver's license number, telephone number,
14 account number, email address, or personal identification number.

15 c. "Medical Materials" includes any individually
16 identifiable health information that is connected to a patient's
17 name, address, or other identifying number, such as a Social
18 Security number.

19 d. "Confidential Information" refers to any document or
20 information containing Protected Witness Materials, PII Materials,
21 or Medical Materials that the government produces to the defense
22 pursuant to this Protective Order and any copies thereof.

23 e. "Defense Team" includes (1) defendants' counsel of
24 record ("defense counsel"); (2) other attorneys at defense counsel's
25 law firm who may be consulted regarding case strategy in this case;
26 (3) defense investigators who are assisting defense counsel with
27 this case; (4) retained experts or potential experts; and
28 (5) paralegals, legal assistants, and other support staff to defense

1 counsel who are providing assistance on this case. The Defense Team
2 does not include defendants, defendants' family members, or any
3 other associates of defendants.

4 f. The government is authorized to provide defense
5 counsel with Confidential Information marked with the following
6 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
7 ORDER." The government may put that legend on the digital medium
8 (such as DVD or hard drive) or simply label a digital folder on the
9 digital medium to cover the content of that digital folder. The
10 government may also redact any PII contained in the production of
11 Confidential Information.

12 g. If a defendant objects to a designation that material
13 contains Confidential Information, the parties shall meet and
14 confer. If the parties cannot reach an agreement regarding
15 defendants' objection, defendants may apply to the Court to have the
16 designation removed.

17 h. Defendants and the Defense Team shall use the
18 Confidential Information solely to prepare for any pretrial motions,
19 plea negotiations, trial, and sentencing hearing in this case, as
20 well as any appellate and post-conviction proceedings related to
21 this case.

22 i. The Defense Team shall not permit anyone other than
23 the Defense Team to have possession of Confidential Information,
24 including defendant, while outside the presence of the Defense Team.

25 j. Notwithstanding the paragraph above, defendants may
26 see and review Protected Witness Materials only in the presence of
27 defense counsel or a designated person (as defined below), and
28 defense counsel shall ensure that defendants are never left alone

1 with any Protected Witness Materials. At the conclusion of any
2 meeting with defendants at which defendants are permitted to view
3 Protected Witness Materials, defendants must return any Protected
4 Witness Materials to defense counsel, who shall take all such
5 materials with counsel. Defendants may not take any Protected
6 Witness Materials out of the room in which defendants are meeting
7 with defense counsel. At no time, under no circumstance, will any
8 Confidential Information be left in the possession, custody, or
9 control of defendants, regardless of defendants' custody status. If
10 defense counsel wishes to enable defendants to review Protected
11 Witness Materials in the presence of any person on the Defense Team
12 other than defense counsel, defense counsel shall submit a letter to
13 government counsel of record identifying that person (the
14 "designated person"), and shall submit a copy of this stipulation
15 that has been signed by that designated person. Upon receipt of
16 those materials, if the government, in its sole discretion, finds
17 the designated person acceptable, prior to the designated person
18 reviewing any Protected Witness Materials with defendants,
19 government counsel of record will confirm in writing that defendants
20 are additionally allowed to review Protected Witness Information in
21 the presence of the designated person.

22 k. Defendants may review other Confidential Information
23 (i.e., Confidential Information that is not Protected Witness
24 Material) only in the presence of a member of the Defense Team, who
25 shall ensure that defendants are never left alone with such
26 materials. At the conclusion of any meeting with defendants at
27 which defendants are permitted to view such materials, defendants
28 must return such materials to the Defense Team, and the member of

1 the Defense Team present shall take all such materials with him or
2 her. Defendants may not take any such materials out of the room in
3 which defendants are meeting with the Defense Team.

4 1. Defendants may see and review Confidential
5 Information as permitted by this Protective Order, but defendants
6 may not copy, keep, maintain, or otherwise possess any Confidential
7 Information in this case at any time. Defendants also may not write
8 down or memorialize any data or information contained in the
9 Confidential Information.

10 m. The Defense Team may review Confidential Information
11 with a witness or potential witness in this case, including
12 defendant. Defense counsel must be present whenever any Protected
13 Witness Materials are being shown to a witness or potential witness.
14 A member of the Defense Team must be present if other Confidential
15 Information (i.e., Confidential Information that is not Protected
16 Witness Material) is being shown to a witness or potential witness.
17 Before being shown any portion of Confidential Information, however,
18 any witness or potential witness must be informed of, and agree in
19 writing to be bound by, the requirements of the Protective Order.
20 No member of the Defense Team shall permit a witness or potential
21 witness to retain Confidential Information.

22 n. The Defense Team shall maintain Confidential
23 Information safely and securely, and shall exercise reasonable care
24 in ensuring the confidentiality of those materials by (1) not
25 permitting anyone other than members of the Defense Team, defendant,
26 witnesses, and potential witnesses, as restricted above, to see
27 Confidential Information; (2) not divulging to anyone other than
28 members of the Defense Team, defendants, witnesses, and potential

1 witnesses, the contents of Confidential Information; and (3) not
2 permitting Confidential Information to be outside the Defense Team's
3 offices, homes, vehicles, or personal presence. Protected Witness
4 Materials shall not be left unattended in any vehicle.

5 o. To the extent that the Defense Team create notes that
6 contain, in whole or in part, Confidential Information, or to the
7 extent that copies are made for authorized use by members of the
8 Defense Team, such notes, copies, or reproductions become
9 Confidential Information subject to the Protective Order and must be
10 handled in accordance with the terms of the Protective Order.

11 p. The Defense Team shall use Confidential Information
12 only for the litigation of this matter and for no other purpose.
13 Litigation of this matter includes any appeal filed by defendants
14 and any motion filed by defendants pursuant to 28 U.S.C. § 2255. In
15 the event that a party needs to file Confidential Information with
16 the Court or divulge the contents of Confidential Information in
17 court filings, the filing should be made under seal. If the Court
18 rejects the request to file such information under seal, the party
19 seeking to file such information publicly shall provide advance
20 written notice to the other party to afford such party an
21 opportunity to object or otherwise respond to such intention. If
22 the other party does not object to the proposed filing, the party
23 seeking to file such information shall redact any Protected Witness
24 Materials, PII Materials, or Medical Materials, and make all
25 reasonable attempts to limit the divulging of Protected Witness
26 Materials, PII Materials, or Medical Materials.

27 q. Any Confidential Information inadvertently produced
28 in the course of discovery prior to entry of the Protective Order

1 shall be subject to the terms of the Protective Order. If
2 Confidential Information was inadvertently produced prior to entry
3 of the Protective Order without being marked "CONFIDENTIAL
4 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
5 shall reproduce the material with the correct designation and notify
6 defense counsel of the error. The Defense Team shall take immediate
7 steps to destroy the unmarked material, including any copies.

8 r. If any Confidential Information contains both
9 Protected Witness Materials and another category of Confidential
10 Information, the information shall be handled in accordance with the
11 Protected Witness Materials provisions of the Protective Order.

12 s. Confidential Information shall not be used by
13 defendants or Defense Team, in any way, in any other matter, absent
14 an order by this Court. All materials designated subject to the
15 Protective Order maintained in the Defense Team's files shall remain
16 subject to the Protective Order unless and until such order is
17 modified by this Court. Within 30 days of the conclusion of
18 appellate and post-conviction proceedings, defense counsel shall
19 return Protected Witness Materials to the government or certify that
20 such materials have been destroyed. Within 30 days of the
21 conclusion of appellate and post-conviction proceedings, defense
22 counsel shall return all other Confidential Information, certify
23 that such materials have been destroyed, or certify that such
24 materials are being kept pursuant to the California Business and
25 Professions Code and the California Rules of Professional Conduct.

26 t. In the event that there is a substitution of counsel
27 prior to when such documents must be returned, new defense counsel
28 must be informed of, and agree in writing to be bound by, the


requirements of the Protective Order before the undersigned defense counsel transfers any Confidential Information to the new defense counsel. New defense counsel's written agreement to be bound by the terms of the Protective Order must be returned to an Assistant U.S. Attorney assigned to the case. New defense counsel then will become the Defense Team's custodian of materials designated subject to the Protective Order and shall then become responsible, upon the conclusion of appellate and post-conviction proceedings, for (1) returning to the government, certifying the destruction of, or retaining pursuant to the California Business and Professions Code and the California Rules of Professional Conduct all other Confidential Information (i.e., Confidential Material that is not Protected Witness Material); and (2) returning to the government or certifying the destruction of all Protected Witness Materials.

u. Defense counsel shall advise defendants and all members of the Defense Team of their obligations under the Protective Order and ensure their agreement to follow the Protective Order, prior to providing defendants and members of the Defense Team with access to any materials subject to the Protective Order.

IT IS SO ORDERED.

December 9, 2024

DATE


MICHAEL W. FITZGERALD
United States District Judge

Presented by:

/s/

IAN V. YANNIELLO
GREGORY W. STAPLES
DANIEL H. WEINER
Assistant United States Attorney